

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Nash *et al.*

CONFIRMATION NO.: 4877

APPLICATION NO.: 10/578,053

ART UNIT: 1614

FILING DATE: October 17, 2007

EXAMINER: Rao, Savitha M.

TITLE: Antibacterial Compositions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This paper is responsive to a restriction requirement issued in an Office action mailed from the U.S. Patent and Trademark Office on February 8, 2011, in relation to the above-identified application. Accompanying this paper is a Petition under 37 C.F.R. § 1.136(a) for an extension of time of 3 months as well as the 3 month extension fee of \$550.00 at the small entity rate under 37 C.F.R. 1.17(a)(3). Applicant believes no additional fees are due for consideration of this paper; however, if a further fee is due, please consider this a conditional petition therefor and authorization to charge the required fee for this submission to Deposit Account No. 50-1721.

The Office action, pursuant to 35 U.S.C. § 121, sets forth a restriction requirement requiring Applicant to elect one of the following allegedly distinct inventions for prosecution on the merits, namely:

Group I: claims 1, 3-11, 18-20 and 22, drawn to a pharmaceutical composition comprising an antibacterial aminopyrrolizidine or alkyl aminopyrrolizidine compounds; and

Group II: claims 26-32, drawn to a method of treating or preventing a bacterial infection comprising administering to a patient in need thereof a therapeutically effective amount of the composition of Group I.

Applicants elect Group I, drawn to a pharmaceutical composition comprising an antibacterial aminopyrrolizidine or alkyl aminopyrrolizidine compounds.